

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOBBY T. MCCARTHER,

Defendant.

8:07CR152

ORDER

This matter is before the Court on defendant Bobby T. McCarther's ("McCarther") pro se "Motion for Reduced Sentence under Section 404 of the First Step Act" (Filing No. 148). Upon initial review, the Court finds McCarther has potentially raised a colorable claim for a sentence reduction. The Court further finds that appointing counsel to represent McCarther in this matter will aid the Court in fairly and efficiently evaluating his request for relief. Accordingly,

IT IS ORDERED:

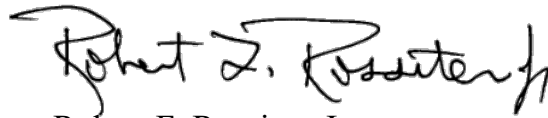
1. The Federal Public Defender for the District of Nebraska is appointed to represent McCarther with respect to his motion to reduce his sentence under the First Step Act.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that McCarther's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is authorized to disclose Presentence Investigation Reports, the Statement of Reasons, and the Judgment to the Federal Public Defender and the United States Attorney for the purpose of determining eligibility for relief under the First Step Act.

McCarthy's counsel shall provide those materials to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report or Statement of Reasons shall be provided to inmates.

6. The government shall respond to McCarthy's motion on or before June 20, 2022. McCarthy's counsel shall promptly file any supplementary briefing or evidence necessary to the Court's disposition of the motion. Absent an extension, McCarthy's motion shall be deemed submitted as of July 6, 2022.

Dated this 18th day of May 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge